IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1394 OF 2003

Shri Mahendra Pandurang Jagdale & Anr. .. Petitioners.
Vs.
Shri Mahadeo Namdeo Deshmukh & Ors. .. Respondents.

Mr.Walimbe i/b R.V.More for the petitioners.
Mr.Neel Helekar for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 25TH AUGUST, 2006

P.C.:

. Heard learned counsel for the petitioners and respondent no.1.

2. The petitioners in the present writ petition have made the following prayers:

> "(A) Rule be issued and record and proceeding be called for.
>
> (B) This Hon'ble High Court be pleased to quash and set aside the impugned order dated 17.2.2003, passed by the learned Sub-Divisional Officer, Khanapur Sub-Division at Vita on application for stay in Revision Application No.20/2003 and further be pleased to allow the application for stay preferred by the petitioners in Revision Application No.20/2003".

3. It appears that revision application No.20/2003 was filed under section 23 of the

Mamlatdar's Court Act, 1906. Pending that revision no stay was granted and hence the petitioners approached this Court seeking stay to the order impugned in the revision. The order impugned in the revision was passed by the Tahsildar on 3.2.2003. This Court while issuing notice on 27.2.2003 to the respondents granted ad-interim stay to the execution of the order dated 3.2.2003 passed by the Tahsildar, Kadegaon. The stay was then confirmed while issuing rule on 24.1.2005. The learned counsel for the parties are not in position to state whether the revision has been disposed of. The interim relief granted by this Court is running since 27.2.2003. Keeping that in view and considering the overall facts and circumstances of the case I am satisfied that the following order shall meet the ends of justice:

(a) The interim order passed by this Court on 27.2.2003 to remain operative pending hearing and final disposal of the revision application no.20/2003 before the Sub-Divisional Officer, Khanapur, Sub-Division, Vita.

(b) The Sub-Divisonal Officer, Khanapur shall endeavour to dispose of the revision application No.20/2003 as expeditiously as possible and preferrably within a period of three months from the

date of receipt of this order in accordance with law and uninfluenced by the order of stay granted in this petition. While passing this order I shall not be understood to have examined the merits of the case.

(c) The Sub-Divisional Officer shall consider the revision application filed by the petitioners on its own merits in accordance with law.

. Rule is, accordingly, disposed of.

(D.B.Bhosale, J.)